

FORM 3 RULE 26(f) REPORT AND PROPOSED SCHEDULING ORDER

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Name of Plaintiff,

Plaintiff,

v.

Name of Defendant,

Defendant.

CIVIL FILE NO. _____

RULE 26(f) REPORT

The parties/counsel identified below conferred as required by Fed. R. Civ. P. 26(f) and the Local Rules, on _____, and prepared the following report.

The initial pretrial conference required under Fed. R. Civ. P. 16 and LR 16.2 is scheduled for _____, 20____, before the United States Magistrate Judge _____ in Room _____, of the U.S. Courthouse in, _____, Minnesota. The parties [request/do not request] that the pretrial be held by telephone.

(a) Description of the Case.

- (1) Concise factual summary of plaintiff's claims:
- (2) Concise factual summary of defendant's claims/defenses:
- (3) Statement of jurisdiction (including statutory citations):
- (4) Summary of factual stipulations or agreements:
- (5) Statement of whether a jury trial has been timely demanded by any party:
- (6) Statement as to whether the parties agree to resolve the matter under the Rules of Procedure for Expedited Trials of the United States District Court, District of Minnesota, if applicable:

(b) Pleadings.

Statement as to whether all process has been served, all pleadings filed and any plan for any party to amend pleadings or add additional parties to the action:

(c) Fact Discovery.

The parties recommend that the Court establish the following fact discovery deadlines and limitations:

- (1) The parties must make their initial disclosures under Fed. R. Civ. P. 26(a)(1) on or before_____.
- (2) The parties must complete any physical or mental examinations under Fed. R. Civ. P. 35 by _____.
- (3) The parties must commence fact discovery procedures in time to be completed by _____.
- (4) The parties propose that the Court limit the use and numbers of discovery procedures as follows:
 - (A) _____ interrogatories;
 - (B) _____ document requests;
 - (C) _____ factual depositions;
 - (D) _____ requests for admissions;
 - (E) _____ Rule 35 medical examinations; and
 - (F) _____ other.

(d) Expert Discovery.

- (1) The parties anticipate that they [will/will not] require expert witnesses at the time of trial.

(A) The plaintiff anticipates calling _____ (number) experts in the fields of:
_____.

(B) The defendant anticipates calling _____ (number) experts in the fields of:
_____.

- (2) The parties propose that the Court establish the following plan for expert discovery:

(A) Initial experts.

- (i) The identity of any expert who may testify at trial regarding issues on which the party has the burden of persuasion must be disclosed on or before
_____.

- (ii) The initial expert written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before _____.

(B) Rebuttal experts.

- (i) The identity of any experts who may testify in rebuttal to any initial expert must be disclosed on or before _____.
- (ii) Any rebuttal expert's written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before _____.

- (3) All expert discovery must be completed by _____.

(e) Other Discovery Issues.

- (1) Protective Order. The parties have discussed whether they believe that a protective order is necessary to govern discovery and jointly submit a [proposed protective order/report identifying areas of disagreement].

(The parties are encouraged, though not required, to use Form 6 as a template for a proposed protective order.)

- (2) Discovery of Electronically Stored Information. The parties have discussed issues about disclosure or discovery of electronically stored information as required by Fed. R. Civ. P. 26(f), including the form or forms in which it should be produced and inform the Court of the following agreements or issues:
- (3) Claims of Privilege or Protection. The parties have discussed issues about claims of privilege or of protection as trial-preparation materials as required by Fed. R. Civ. P. 26(f), including whether the parties agree to a procedure to assert these claims after production and request the Court to include the following agreement in the scheduling order:

(f) Proposed Motion Schedule.

The parties propose the following deadlines for filing motions:

- (1) Motions seeking to join other parties must be filed and served by _____.
- (2) Motions seeking to amend the pleadings must be filed and served by _____.
- (3) All other non-dispositive motions must be filed and served by _____.
- (4) All dispositive motions must be filed and served by _____.

(g) Trial-Ready Date.

- (1) The parties agree that the case will be ready for trial on or after _____.

(2) The parties propose that the final pretrial conference be held on or before _____.

(h) Insurance Carriers/Indemnitors.

List all insurance carriers/indemnitors, including limits of coverage of each defendant or statement that the defendant is self-insured.

(i) Settlement.

(1) The parties will discuss settlement before the initial pretrial conference, by the plaintiff making a written demand for settlement and each defendant making a written response/offer to the plaintiff's demand.

(2) The parties propose that a settlement conference be scheduled to take place before _____.

(3) The parties have discussed whether alternative dispute resolution will be helpful to the resolution of this case and recommend the following:

(j) Trial by Magistrate Judge.

The parties [have/have not] agreed to consent to jurisdiction by the Magistrate Judge under 28 U.S.C. § 636(c). (If the parties agree to consent, file the consent with the Rule 26(f) Report.)

DATE: _____

Plaintiff's Counsel
License #
Address
Phone #

DATE: _____

Defendant's Counsel
License #
Address
Phone #